IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21604 of 2004

Between:

M/s. Praga Tools Limited, Kavadiguda, Secunderabad,
rep. by its Manager (F& A), N. Babu Rao, S/o. ;N. Narsimha.

..... PETITIONER

AND

1.. Employees Provident Fund Organisation,

(Ministry of Labour, Govt of India),
Regional Office, 3-4-763, Bhavishyanidhi Bhawan, Barkatpura, Hyderabad-27.
rep. by its Enforcement Officer cum Asst. Provident Fund- Commissioner.

2.. The Regional Provident Fund Commissioner-II,

(C&R) Regional Privident Fund Office, Batkatpura, Hyderabad.

3.. Chairman, Central Board of Trustees,

Employees Provident Fund Organisation,
Head Office, 14, Bhikaji Cama Place, New Delhi-6.

4.. Enforcement Officer, O/o. Regional Provident Fund

Commissioner-II, (CNR) Regional Provident Fund Office,

Barkatpura, Hyderabad. **.RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction, more particularly in the nature of Writ of Mandamus declaring that the Notice No.AP/HYD/Circel:27/Damages/AP/144/CA/PD.Cell/04/8296 dt. 8.10.2004 and consequential prohibitory order bearing No. AP/144/PD Cell/2004/8370 dt. 28.10.2004 demanding payment of penal damages under Sec. 14(b) and Interest under Sec.7Q of the Provident Fund Act as arbitrary, illegal, unconstitutional and null and void and consequently set aside No./HYD/Circel:27/Damages/AP/144/CA/PD.Cell/04/8296 dt. 8.10.2004 and

consequential prohibitory order bearing No.AP/144/PD CELL/2004/8370 DT. 28.10.2004.

Counsel for the Petitioner: MS.G.SUDHA

Counsel for the Respondents: MR.R.N.REDDY

The Court at the stage of admission made the following :

ORDER:

The petitioner challenges the notice dated 8-10-2004 and consequential prohibitory order dated 28-10-2004 demanding payment of penal damages under Section 14 (b) and Interest under Section 7 (Q) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

When the matter is taken up, learned counsel for petitioner submits that as against the impugned order dated 8-10-2004, the petitioner wants to file an application under second provisio to section 14-B of the Act, to the Chairman, Central Board of Trustees, Employes Provident Fund Organisation/third respondent herein for waiver of penal damages and sought two weeks time to file such an application.

Heard learned counsel for petitioner and learned Standing Counsel for respondent Mr.R.N.Reddy. Both counsel agreed for disposal of the writ petition at the admission stage permitting the petitioner to approach the third respondent for necessary relief.

In the above circumstances, without going into the merits of the matter, the writ petition is disposed of granting liberty to the petitioner to approach the third respondent seeking appropriate relief, within a period of two weeks. Till then the respondents are directed not to take any coercive steps. No costs.

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N.V.RAMANA, J

1-12-2004

TVK

To

1.. Employees Provident Fund Organisation,

(Ministry of Labour, Govt of India),
Regional Office, 3-4-763, Bhavishyanidhi Bhawan, Barkatpura, Hyderabad-27.
rep. by its Enforcement Officer cum Asst. Provident Fund- Commissioner.

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Commissioner-II, (CNR) Regional Provident Fund Office,

Barkatpura, Hyderabad.

5.. 2 CD copies

*Form-NIC-OGS/WP{**JGK**}*

THE HON'BLE MR JUSTICE N.V. RAMANA

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DATE: 1-12-2004